

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 388  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30152-MS-92 (03/09)

Short Title: Modernize Mutual Assistance Statutes. (Public)

Sponsors: Representatives McNeill, Faircloth, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE A PRESUMPTION THAT ALLOWS ONE LAW ENFORCEMENT  
3 AGENCY TO EASILY ASSIST ANOTHER LAW ENFORCEMENT AGENCY  
4 WHENEVER NECESSARY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-288(a) reads as rewritten:

7 "§ 160A-288. Cooperation between law-enforcement agencies.

8 (a) ~~In accordance with rules, policies, or guidelines~~Unless specifically prohibited or  
9 ~~limited by an ordinance~~officially adopted by the governing body of the city or county by which  
10 ~~he~~the person is employed, and ~~subject to any conditions or restrictions included~~  
11 ~~therein,~~appointed, or elected to serve, the head of any law-enforcement agency may temporarily  
12 provide assistance to another agency in enforcing the laws of North Carolina if so requested in  
13 writing by the head of the requesting agency. The assistance may comprise allowing officers of  
14 the agency to work temporarily with officers of the requesting agency (including in an  
15 undercover capacity) and lending equipment and supplies. While working with the requesting  
16 agency under the authority of this section, an officer shall have the same jurisdiction, powers,  
17 rights, privileges and immunities (including those relating to the defense of civil actions and  
18 payment of judgments) as the officers of the requesting agency in addition to those ~~he~~the  
19 ~~officer~~ normally possesses. While on duty with the requesting agency, ~~he~~the officer shall be  
20 subject to the lawful operational commands of ~~his~~the officer's superior officers in the  
21 requesting agency, but ~~he~~the officer shall for personnel and administrative purposes, remain  
22 under the control of ~~his~~the officer's own agency, including for purposes of pay. ~~He~~The officer  
23 shall furthermore be entitled to workers' compensation and the same benefits when acting  
24 pursuant to this section to the same extent as though ~~he~~the officer were functioning within the  
25 normal scope of ~~his~~the officer's duties."

26 SECTION 2. G.S. 16A-288.2(a) reads as rewritten:

27 "§ 160A-288.2. Assistance to State law-enforcement agencies.

28 (a) ~~In accordance with rules, policies, or guidelines~~Unless specifically limited or  
29 ~~prohibited by an ordinance~~officially adopted by the governing body of the city or county by  
30 which ~~he~~the person is employed, and ~~subject to any conditions or restrictions included~~  
31 ~~therein,~~appointed, or elected to serve, the head of any local law-enforcement agency may  
32 temporarily provide assistance to a State law-enforcement agency in enforcing the laws of  
33 North Carolina if so requested in writing by the head of the State agency. The assistance may  
34 comprise allowing officers of the local agency to work temporarily with officers of the State  
35 agency (including in an undercover capacity) and lending equipment and supplies. While  
36 working with the State agency under the authority of this section, an officer shall have the same



1 jurisdiction, powers, rights, privileges and immunities (including those relating to the defense  
2 of civil actions and the payment of judgments) as the officers of the State agency in addition to  
3 those ~~he~~the officer normally possesses. While on duty with the State agency, ~~he~~the officer shall  
4 be subject to the lawful operational commands of ~~his~~the officer's superior officers in the State  
5 agency, but ~~he~~the officer shall for personnel and administrative purposes, remain under the  
6 control of the local agency, including for purposes of pay. ~~He~~The officer shall furthermore be  
7 entitled to workers' compensation and the same benefits when acting pursuant to this section to  
8 the same extent as though ~~he~~the officer were functioning within the normal scope of ~~his~~the  
9 officer's duties."

10 **SECTION 3.** This act is effective when it becomes law.